

APPENDIX D

Application for Reinstatement to the Bar After Suspension for Six Months or Less

INSTRUCTIONS

An application pursuant to section 1240.16 (d) of these Rules for reinstatement to the bar after suspension from practice for six months or less shall comply with the following requirements:

- (1) The application shall be made in the form of a motion.
- (2) The moving papers shall bear the caption and the docket number, if any, of the proceeding resulting in the respondent's suspension.
- (3) The motion shall be made on notice to the Committee that was the petitioner in the proceeding leading to the respondent's suspension and to the Lawyers' Fund for Client Protection.
- (4) The motion shall be made, noticed, and filed in accordance with the rules of practice of the Court. Payment of the fee required by CPLR 8022 (b) shall accompany the filing of the motion papers, unless the movant is exempt from payment thereof pursuant to CPLR 1102.
- (5) The motion shall be supported by the affidavit of the respondent, subscribed and sworn to before a notary public or other person authorized to administer an oath.
- (6) The supporting affidavit shall be worded and numbered as set forth below.
- (7) In completing the supporting affidavit, the respondent should not omit inapplicable passages.
- (8) The application may be supplemented by the affidavits or affirmations of counsel and character witnesses, and with additional appropriate exhibits.
- (9) Place the moving papers in the following order:
 - a. The notice of motion;
 - b. The respondent's form affidavit;
 - c. The exhibits supporting that form affidavit;
 - d. Any additional supporting affidavits or affirmations and exhibits thereto; and
 - e. Affidavits reflecting service of the moving papers upon the Chief Attorney of the appropriate Committee and the Lawyers' Fund for Client Protection.

FORM OF AFFIDAVIT

Supreme Court of the State of New York
Appellate Division: _____ Judicial Department

**AFFIDAVIT IN SUPPORT OF
APPLICATION FOR
REINSTATEMENT TO THE
BAR AFTER SUSPENSION FOR
SIX MONTHS OR LESS**

State of _____)
)ss.:
County of _____)

_____, being duly sworn, deposes and says that:

1. I hereby apply, pursuant to section 1240.16 (d) of the Uniform Rules for Attorney Disciplinary Matters, for reinstatement as an attorney and counselor-at-law licensed to practice in the State of New York.

2. My full name is _____. The name under which I was admitted to the practice of law is _____. My name was changed on the Roll of Attorneys and Counselors-at-Law to _____ by reason of (marriage, divorce or annulment, or a court order legally changing the respondent's name). I have also been known by the following names: _____.
[Copies of all court orders changing my name are attached as exhibit ___ hereto.]

3. I was born on [date] in [city, state, country].

4. I currently reside at [street, town or city, state, and zip code].

5. The telephone numbers at which I can be contacted are:
Home _____
Work _____
Mobile _____.

6. The email address at which I can be contacted is _____.

7. All communications may be addressed to me at the office of my attorney, [name], at [address], and I hereby authorize my attorney to accept and acknowledge receipt of any and all legal documents or other notices on my behalf.

- OR -

All communications may be addressed to me personally at the following address:

_____.

8. I was admitted to the New York State Bar on [date] by the _____ Judicial Department, and my attorney registration number is _____.

9. By order of this Court entered [date], I was suspended for ____ months from the practice of law. A copy of the order imposing the suspension is attached as exhibit ____ hereto.

10. Since the entry of the order of suspension, I have also been the subject of professional discipline in the following other courts or jurisdictions: [state the court or jurisdiction, the date, the nature of the discipline imposed, whether such discipline was public or private, and whether or not you have been reinstated to practice and are now in good standing in such court or jurisdiction].

[A copy of each order or judgment imposing such discipline is attached as exhibit ____ hereto. A copy of each order or judgment reinstating me to practice is attached as exhibit ____ hereto.]

- OR -

I attest that, since the entry of the order of suspension, I have not been the subject of professional discipline in this or any other court or jurisdiction.

11. Since the entry of the order of suspension, I have engaged in the following employment or have been engaged in the following businesses: [in chronological order, state the dates so engaged, the name and address of the employer or business and the nature of each employment or business].

12. I have fully complied with the requirements of the order of suspension, including paying any required fees and costs, and I am in compliance with section 1240.15 of the Uniform Rules for Attorney Disciplinary Matters.

13. Pursuant to section 1240.15 (f) of the Uniform Rules for Attorney Disciplinary Matters, I filed an affidavit of compliance on [date].

[A copy of that affidavit of compliance is attached as exhibit ____ hereto.]

- OR -

[I failed to file an affidavit of compliance as required by section 1240.15 (f) of the Uniform Rules for Attorney Disciplinary Matters for the following reason(s):]

14. Since the entry of the order of suspension, I have been arrested, charged with, indicted, convicted, tried, and/or entered a plea of guilty to the following felonies, misdemeanors, violations, and/or traffic infractions: [state the court, the offense charged, and date and nature of disposition].

[Certificates of conviction pertaining to the above are attached as exhibit ____ hereto.]

- OR -

I attest that, since the entry of the order of suspension, I have not been arrested, charged with, indicted, convicted, tried, and/or entered a plea of guilty to any felonies, misdemeanors, violations, and/or traffic infractions.

15. The following facts, not heretofore disclosed to this Court, are relevant to this application and might tend to influence the Court to look less favorably upon reinstating me to the practice of law:

16. I understand that the Court and the Committee may take such investigative steps as are deemed appropriate to evaluate my character and fitness for reinstatement to the Bar. I will fully cooperate with any request for additional information and make myself available to answer questions under oath or affirmation, as required.

WHEREFORE, I request that the Court grant this application for my reinstatement as an attorney and counselor-at-law licensed to practice in the State of New York.

Dated: [city or town, state]

_____, 20__

Signature

Phone Number

Subscribed to and sworn to before me
this ____ day of _____, 20__

Notary Public